IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1054 OF 2005

Mrs. Jayshree Harshad Shah ... Petitioner

V/s

1 Mr. Mukund Raghunath Deshpande

& Anr. ... Respondents

M/s Pradip Shukla & Co. for petitioner

Coram : V.M. Kanade, J.

Dated : 26/04/2005.

P.C. :-

1 The petitioner is challenging the order of issuance of process by the Judicial Magistrate First Class Pune on the complaint filed under section 138 of the Negotiable Instruments Act by the respondent No.1 herein.

2 It is submitted that cheque in dispute was a blank cheqe issued by the petitioner to her Chartered Accountant,Mr. Rane towards payment of VAT tax and the said cheque was bearing only the signature of the petitioner and no contents were written on the said instrument. It is submitted that there is no existing debt or liability as against the respondent No.1. It is further submitted that

the Chartered Accountant Mr.Rane had misused a blank cheque which was given to him and, therefore, the complaint has been malafidely filed against her.

3 It is not possible to accept the submission made by the learned counsel for the petitioner. It is an admitted position that plea of the accused had been recorded and examination in chief of the complainant was over and thereafter the present petition has been filed. All the questions raised in this petition can only be decided after the evidence is adduced by both parties during trial. I do not see any reason to interfere with the order of issuance of process of the Judicial Magistrate First Class. Criminal writ petition is rejected.

(V.M. Kanade, J.)